HIGH COURT OF UTTARANCHAL AT NAINITAL.

Crl. Writ Petition no. 889(M/B) 2006

Mohan Singh S/o Sri Dhani Ram
Resident of M/s Mohan Singh Sarkari Sasta Galla Vikreta,
Village Gurkhera Gram Sabha Banusi,
Tehsil Khatima, U.S. Nagar. ----Petitioner.

Vs.

1. Sub-Divisional Magistrate Khatime, U.S. Nagar,
2. District Supply Officer, Udham Singh Nagar,
3. Supply Officer, Khatima, U.S. Nagar. ----Respondents.

Mr. B.P. Nautiyal, Adv. for the petitioner.
Sri J.P. Joshi, learned Addl. Chief Standing Counsel for the State/respondents.

Coram:-Hon'ble M.M. Ghildiyal, J.
Hon'ble B.S. Verma, J.

P.C.:-

Heard Sri B.P. Nautiyal, learned counsel for the petitioner and Sri J.P. Joshi, learned Addl. Chief Standing counsel for the State/ respondents.

By the present writ petition, the petitioner has prayed for the following reliefs:-

i. Issue a writ, order or direction in the nature of certiorari to quash the order dated 6th June 2006 (annexure no. 2) passed by the respondent no. 1,

ii. Issue any other writ, order or direction which this Hon'ble Court may deem fit and proper in the circumstances of the case,

iii. Award the costs to the petitioner.

Submission of the learned counsel for the petitioner is that the petitioner is the owner of a fair-price shop since 1994. All of a sudden, on 6th June 2006, the respondents have attached the ration cards belonging to the petitioner's shop to some other shop on complaint of somebody, without providing him any opportunity of hearing. The order dated 6th June 2006 indicates that the shop in question is closed w.e.f. 30th June 2006. At this verge, learned Addl. C.S.C. has submitted that the date of order should have been 6th July 2006 instead of 6th June 2006 and it is a typographical mistake.

In this respect, the petitioner ahs already moved a representation before the respondent no. 1 on 15.07.2006, which is annexure as annexure no. 43 to the writ petition. The petitioner in his representation has stated that he was distributing ration to the ration cardholders till 7th July 2006. Counsel for the petitioner has confined his prayer that the respondent no. 1 may be directed to decide his representation within a particular period prescribed by the Court.

The prayer is innocuous.

Accordingly, the respondent no. 1 is directed to take decision on the representation of the petitioner dated 15.07.2006, annexure no. 4 to the writ petition, within one week from the date of production of a certified copy of this order.

With this direction, the writ petition is finally disposed of.

(B.S. Verma, J.) **(M.M. Ghildiyal, J.)**

July 27, 2006:
NCM: